IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 13919 of 2004

Between:

Smt. Y. SUGUNAMMA, W/o. Y. Venkatesu,
O/o. General Manager, Telecom District, BSNL, Cuddapah.

..... PETITIONER

AND

1 The Union of India, Rep. by Chief General Manager,
BSNL, A.P. Circle, Nampally, Hyderabad.
2 The General Manager, BSNL, Cuddapah.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or a Writ more particularly in the nature of Writ of Mandamus by declaring the in action of the respondents in granting conversion of the petitioner into full time casual labourer and also in conferring temporary status of a Group D on the Petitioner and consequent regularization as Group D, even though the petitioner is found to be fulfilling the eligibility conditions as per the orders dt.25-8-2000, as arbitrary, discriminatory, illegal, unjust and unsustainable, being violation of the Art. 14, 16 & 21 of the Constitution of India and set aside the same and consequently to direct the respondents to convert the petitioner into full time casual labourer, to confer temporary status of a Group D and absorption as Group D in terms of the circulars dt.14-8-98, 25-8-2000, 29-9-2000 of the department with all consequential benefits

Counsel for the Petitioner: MR.KRISHNA DEVAN

Counsel for the Respondent Nos.1 & 2: MR.KANTHI.NARAHARI (SC FOR BSNL)

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.13919 OF 2004

ORDER:

The petitioner is working as a part time casual labourer (Scavenger) in the respondent Corporation. She contends that she has been working since 23-9-1982. She further contends that the Department of Telecom issued an order on 25-08-2000 conveying to all the subordinate authorities that as one time relaxation, part time casual labourers with less than four hours of duty per day who have worked for 240 days in the preceding 12 months, may be converted into full time casual labourers. The Telecom Department further instructed through the letter dated 29-9-2000 making provision for regularization to all the casual labourers. As per the instructions mentioned therein, the petitioner contends that her case was recommended by R-2 for conversion into full time casual labour and for giving approval for temporary status. The petitioner contends that the file is pending with the first respondent since 2001. The petitioner, being aggrieved by the inaction on the part of the first respondent in clearing the file, approached this Court seeking a direction to the first respondent to pass orders on the recommendation made by the second respondent in pursuance of the latest letter of the second respondent dated 03-03-2004.

2 . In the light of the circumstances explained by the petitioner, the first respondent is directed to pass appropriate orders on the recommendation made by the second respondent, keeping in view the rules and the standing instructions regarding the eligibility of the petitioner either for full time contingent work job or for temporary status and the latest letter dated 03-03-2004, within two months from the date of receipt of a copy of this order and communicate the same to the petitioner.

The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

09th August, 2004

SKM

Note:

C.C. within 2 days.

B/o.

skm

TO

1 Chief General Manager, The Union of India, BSNL, A.P. Circle,

Nampally, Hyderabad.
2 The General Manager, BSNL, Cuddapah.

3 Two C.D. Copies.